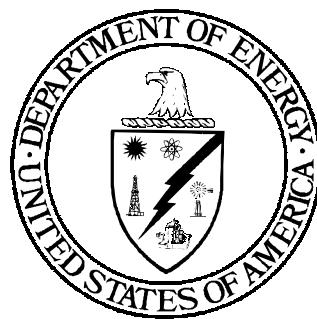


FEDERAL ENVIRONMENTAL NOTIFICATION & REPORTING REQUIREMENTS HANDBOOK



NOVEMBER 1996

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Chapter 8. The Toxic Substances Control Act

Purpose and Organization

Congress enacted the *Toxic Substances Control Act* (TSCA) in 1976, to become effective January 1, 1977. The Act authorizes the Environmental Protection Agency (EPA) to secure information on all new and existing chemical substances and to control any of those substances determined to cause an unreasonable risk to public health or the environment. Under earlier laws EPA had authority to control toxic substances only after damage occurred. The earlier laws did not require the screening of toxic substances before they entered the marketplace. TSCA closed the gap in the earlier laws by requiring that the health and environmental effects of all new chemicals be reviewed before they are manufactured for commercial purposes.

The sections of the Act most relevant to DOE deal with requirements for:

- The practice of good laboratory standards for conducting studies relating to health effects, environmental effects, and chemical fate testing. (Section 4)
- The regulation of certain chemicals such as polychlorinated biphenyls (PCBs) that may be used in DOE facilities or processes. (Section 6)
- The maintenance of long-term records on adverse reactions to health and environment alleged to have been caused by a substance or mixture. (Section 8)
- TSCA's major impact on DOE occurs through its regulation of PCBs. Other regulations restrict the availability of materials for purchase by DOE. Regulations important to DOE include the following from Title 40 of the *Code of Federal Regulations* (CFR).

40 CFR Part 717 - Records and Reports of Allegations that Chemical Substances Cause Significant Adverse Reactions to Health or the Environment.

- 40 CFR Part 761 - Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

- 40 CFR Part 792 - Good Laboratory Practice Standards.

Determinations regarding compliance with TSCA must be made on a case-by-case basis if a DOE activity involves the manufacture, processing, distribution in commerce, use, and/or disposal of a new or existing chemical substance or mixture that may present an unreasonable risk of injury to health or the environment.

By definition TSCA-regulated chemical substances and mixtures do not include "...any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act)... [TSCA, Section 3(2)(B)(iv)]. Although TSCA excludes nuclear material, the TSCA-regulated portion of a mixed nuclear and regulated waste must comply with TSCA requirements.

The TSCA program is run by EPA and is not delegated to any state agency.

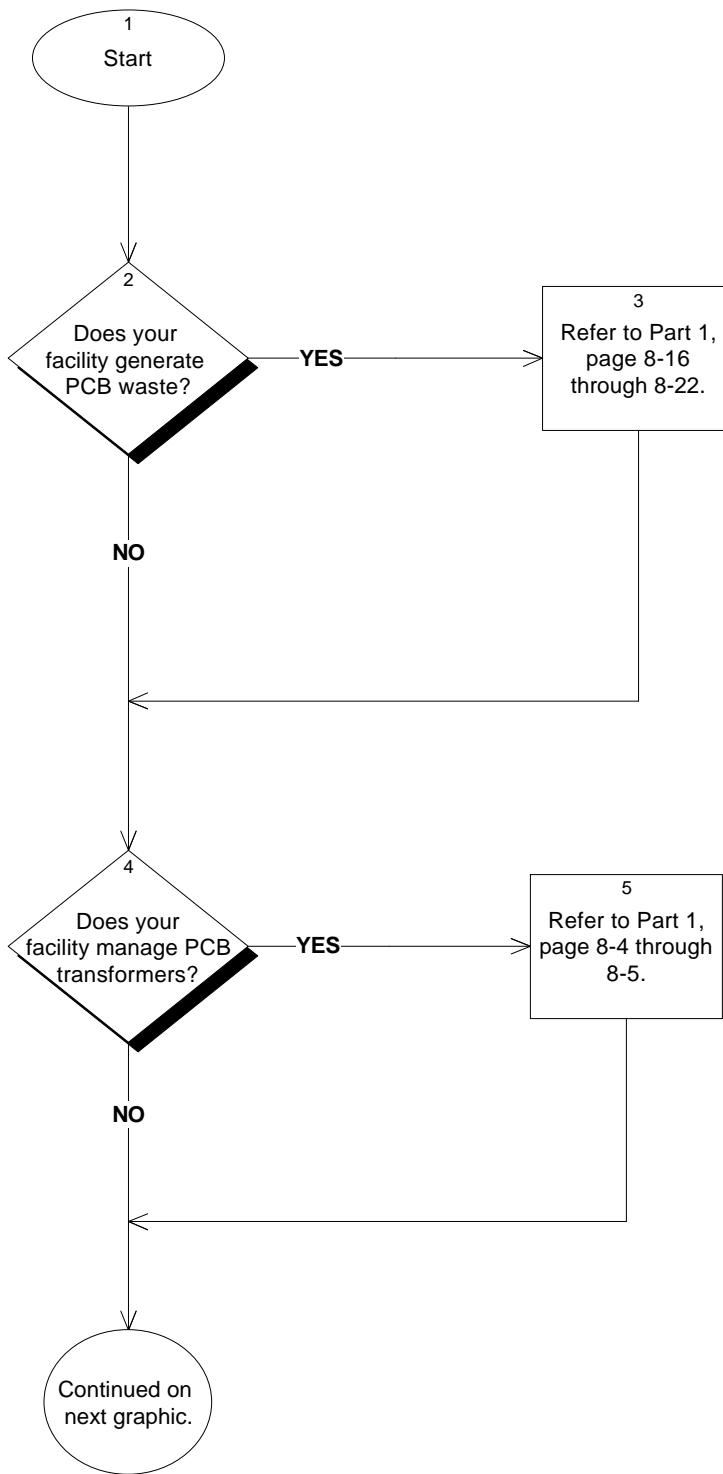
Recordkeeping and Reporting Requirements

The following reporting requirements apply under TSCA:

- If a PCB transformer is involved in a fire-related incident, the owner of the transformer must immediately report the incident to the NRC.
- Before any person burns mineral oil dielectric fluid in a boiler, that person must give written notice to the EPA Regional Administrator.
- With any spills of PCBs at specific concentrations, the responsible party must satisfy all reporting requirements under the Clean Water Act or the Comprehensive Environmental Response, Compensation, and Liability Act.

Figure 8 guides the user to the various TSCA reporting requirements conveyed in this chapter that are relevant to a DOE facility or situation.

Figure 8: Toxic Substances Control Act



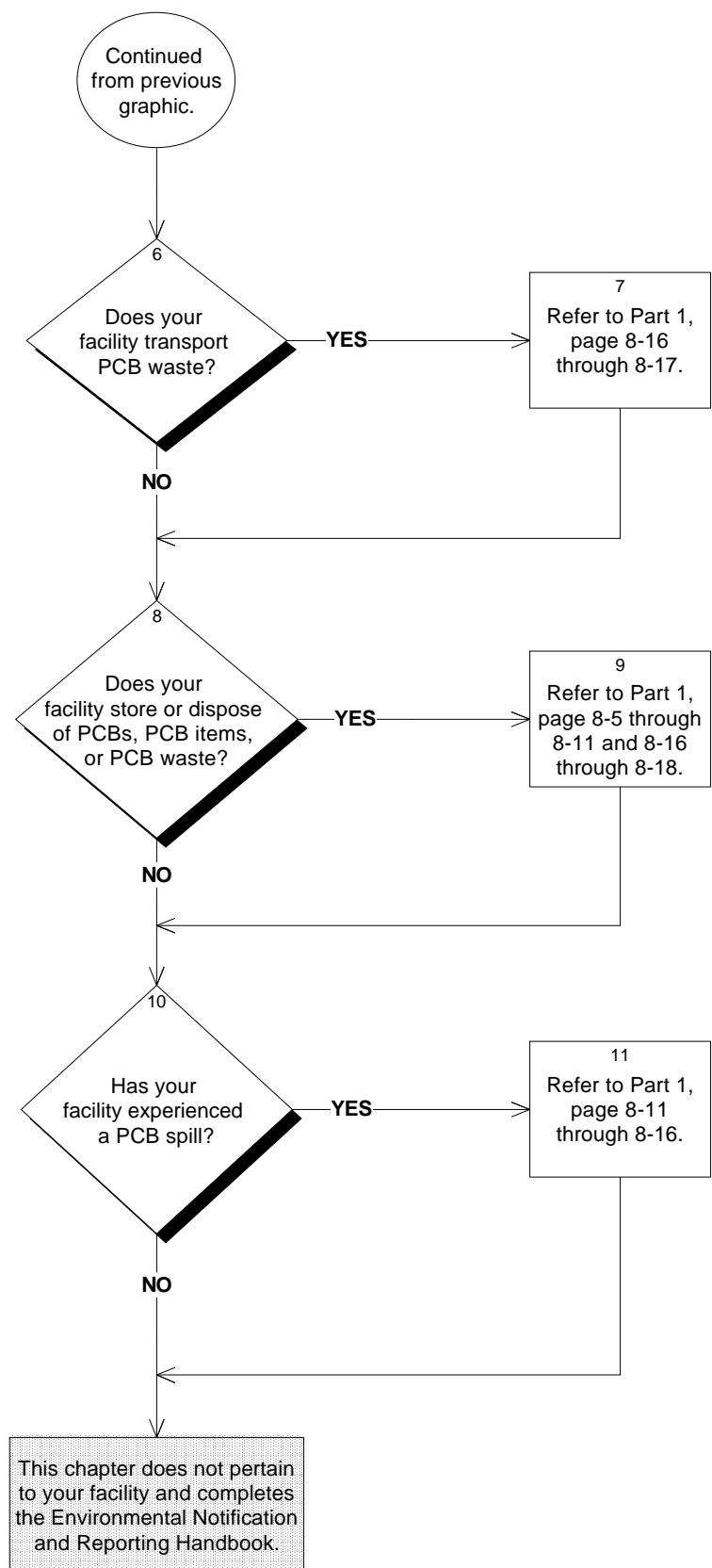


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Authorizations	Authorization
Section 6(e)	<p>The following non-totally enclosed PCB activities are authorized pursuant to section 6(e)(2)(B) of TSCA:</p> <p>References 40 CFR 761.30</p> <p>(a) Use in and servicing of transformers (other than railroad transformers). PCBs at any concentration may be used in transformers (other than in railroad locomotives and self-propelled railroad cars) and may be used for purposes of servicing including rebuilding these transformers for the remainder of their useful lives, subject to the following conditions:</p> <p>(1) (xi) If a PCB Transformer is involved in a fire-related incident, the owner of the transformer must immediately report the incident to the National Response Center (toll-free 1-800-424-8802; in Washington, DC 202-426-2675). A fire-related incident is defined as any incident involving a PCB Transformer which involves the generation of sufficient heat and/or pressure (by any source) to result in the violent or non-violent rupture of a PCB Transformer and the release of PCBs. Information must be provided regarding the type of PCB Transformer installation involved in the fire-related incident (e.g., high or low secondary voltage network transformer, high or low secondary voltage simple radial system, expanded radial system, primary selective system, primary loop system, or secondary selective system or other systems) and the readily ascertainable cause of the fire-related incident (e.g., high current fault in the primary or secondary or low current fault in secondary). The owner of the PCB Transformer must also take measures as soon as practicable and safely possible to contain and control any potential releases of PCBs and incomplete combustion products into water. These measures include, but are not limited to:</p> <p style="margin-left: 20px;">(A) The blocking of all floor drains in the vicinity of the transformer.</p> <p style="margin-left: 20px;">(B) The containment of water runoff.</p> <p style="margin-left: 20px;">(C) The control and treatment (prior to release) of any water used in subsequent cleanup operations.</p> <p>(xv) In the event a mineral oil transformer, assumed to contain less than 500 ppm of PCBs as provided in 40 CFR 761.3, is tested and found to be contaminated at 500 ppm or greater PCBs, it will be subject to all the requirements of 40 CFR Part 761. In addition, efforts must be initiated immediately to bring the transformer into compliance in accordance with the following schedule:</p>

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<p>References 40 CFR 761.30 (con't.)</p>	<p>(A) Report fire-related incidents, effective immediately after discovery.</p> <p>(D) Register the PCB Transformer in writing with fire response personnel with primary jurisdiction and with the building owner, within 30 days of discovery.</p>
<p>Disposal Requirements</p>	<p>(a) (2) (iii) (B) Thirty days before any person burns mineral oil dielectric fluid in the boiler, the person gives written notice to the EPA Regional Administrator for the EPA Region in which the boiler is located and that the notice contains the following information:</p> <p>(1.) The name and address of the owner or operator of the boiler and the address of the boiler.</p> <p>(2.) The boiler rating in units of BTU/hour.</p> <p>(3.) The carbon monoxide concentration and the excess oxygen percentage in the stack of the boiler when it is operated in a manner similar to the manner in which it will be operated when mineral oil dielectric fluid is burned.</p> <p>(4.) The type of equipment, apparatus, and procedures to be used to control the feed of mineral oil dielectric fluid to the boiler and to monitor and record the carbon monoxide concentration and excess oxygen percentage in the stack.</p> <p>(a) (3) (iii) (B) Prior to any person burning these liquids in the boiler, approval must be obtained from the EPA Regional Administrator for the EPA Region in which the boiler is located and any persons seeking such approval must submit to the EPA Regional Administrator a request containing at least the following information:</p> <p>(1.) The name and address of the owner or operator of the boiler and the address of the boiler.</p> <p>(2.) The boiler rating in units of BTU/hour.</p>

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| 40 CFR 761.60 (con't.) | <p>(3.) The carbon monoxide concentration and the excess oxygen percentage in the stack of the boiler when it is operated in a manner similar to the manner in which it will be operated when low concentration PCB liquid is burned.</p> <p>(4.) The type of equipment, apparatus, and procedures to be used to control the feed of mineral oil dielectric fluid to the boiler and to monitor and record the carbon monoxide concentration and excess oxygen percentage in the stack.</p> <p>(5.) The type of waste to be burned (e.g., hydraulic fluid, contaminated fuel oil, heat transfer fluid, etc.).</p> <p>(6.) The concentration of PCBs and of any other chlorinated hydrocarbon in the waste and the results of analyses using the American Society of Testing and Materials (ASTM) methods as follows: Carbon and hydrogen content using ASTM D-3178-84, nitrogen content using ASTM E-258-67 (Reapproved 1987), sulfur content using ASTM D-2784-89, D-1266-87, or D-129-64, chlorine content using ASTM D-808-87, water and sediment content using either ASTM D-2709-88 or ASTM D-1796-83 (Reapproved 1990), ash content using D-482-87, calorific value using ASTM D-240-87, carbon residue using either ASTM D-2158-89 or D-524-88, and flash point using ASTM D-93-90.</p> <p>(7.) The quantity of wastes estimated to be burned in a thirty (30) day period.</p> <p>(8.) An explanation of the procedures to be followed to insure that burning the waste will not adversely affect the operation of the boiler such that combustion efficiency will decrease.</p> <p>(f) (1) Each operator of a chemical waste landfill, incinerator, or alternative to incineration approved under paragraph (e) of this section shall give the following written notices to the state and local governments within whose jurisdiction the disposal facility is located:</p> <p>(i) Notice at least thirty (30) days before a facility is first used for disposal of PCBs required by these regulations.</p> |

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<p>References 40 CFR 761.60 (con't.)</p>	<p>(ii) At the request of any state or local government, annual notice of the quantities and general description of PCBs disposed of during the year. This annual notice shall be given no more than thirty (30) days after the end of the year covered.</p> <p>(2) Any person who disposes of PCBs under a paragraph (a)(5)(iii) of this section incineration or chemical waste landfilling waiver shall give written notice at least thirty (30) days prior to conducting the disposal activities to the state and local governments within whose jurisdiction the disposal is to take place.</p>	<p>This section applies to facilities used to incinerate PCBs required to be incinerated by this part.</p>
<p>References 40 CFR 761.70</p>	<p>(a) Liquid PCBs. An incinerator used for incinerating PCBs shall be approved by an EPA Regional Administrator or the Director, Exposure Evaluation Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, Exposure Evaluation Division, except for research and development involving less than 500 pounds of PCB material (see 40 CFR 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (a)(1) through (9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be prescribed pursuant to paragraph (d)(4) of this section.</p> <p>(b) Nonliquid PCBs. An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by the appropriate EPA Regional Administrator or the Director, Exposure Evaluation Division pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Director, Exposure Evaluation Division, except for research and development involving less than 500 pounds of PCB material (see 40 CFR 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (b)(1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may be prescribed pursuant to paragraph (d)(4) of this section.</p> <p>(d) Approval of incinerators. Prior to the incineration of PCBs and PCB Items, the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the</p>	

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- Director, Exposure Evaluation Division. Approval from the Director, Exposure Evaluation Division may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:
- (1) Application. The owner or operator shall submit to the Regional Administrator or the Director, Exposure Evaluation Division an application which contains:
- (i) The location of the incinerator.
 - (ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator.
 - (iii) Engineering reports or other information on the anticipated performance of the incinerator.
 - (iv) Sampling and monitoring equipment and facilities available.
 - (v) Waste volumes expected to be incinerated.
 - (vi) Any local, State, or Federal permits or approvals.
 - (vii) Schedules and plans for complying with the approval requirements of this regulation.
- (2) Trial burn.
- (i) Following receipt of the application described in paragraph (d)(1) of this section, the Regional Administrator or the Director, Exposure Evaluation Division shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. The Regional Administrator or the Director, Exposure Evaluation Division may require the submission of any other information that the Regional Administrator or the Director, Exposure Evaluation Division finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraphs (d)(1)(i) through (vii) of this section.

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- (ii) If the Regional Administrator or the Director, Exposure Evaluation Division determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Director, Exposure Evaluation Division a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:
- (A) Date trial burn is to be conducted.
 - (B) Quantity and type of PCBs and PCB Items to be incinerated.
 - (C) Parameters to be monitored and location of sampling points.
 - (D) Sampling frequency and methods and schedules for sample analyses.
 - (E) Name, address, and qualifications of persons who will review analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the trial burn.
- (iii) Following receipt of the plan described in paragraph (d)(2)(ii) of this section, the Regional Administrator or the Director, Exposure Evaluation Division will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator or the Director, Exposure Evaluation Division will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which the Regional Administrator or the Director, Exposure Evaluation Division may prescribe), the Regional Administrator or the Director, Exposure Evaluation Division will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator or the Director, Exposure Evaluation Division and the person who submitted the plan.
- (3) Other information. In addition to the information contained in the report and plan described in paragraphs (d)(1) and (2) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the owner or operator to submit any other information that the Regional Administrator or the Assistant

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Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine whether an incinerator shall be approved.

Note: The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures for the parameters required in 40 CFR 761.70(a)(3), (4), (6), and (7) plus any other parameters he/she may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in 40 CFR 761.70.

References

40 CFR 761.70 (con't.)

- (5) Waivers. An owner or operator of the incinerator may submit evidence to the Regional Administrator or the Director, Exposure Evaluation Division that operation of the incinerator will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of section are not met. On the basis of such evidence and any other available information, the Regional Administrator or the Director, Exposure Evaluation Division may in his/her discretion find that any requirement of paragraphs (a) and (b) of this section is not necessary to protect against such a risk, and may waive the requirements in any approval for that incinerator. Any finding and waiver under this paragraph must be stated in writing and included as part of the approval.
- (8) Transfer of property. Any person who owns or operates an approved incinerator must notify EPA at least 30 days before transferring ownership in the incinerator or the property it stands upon, or transferring the right to operate the incinerator. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA incinerator approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new incinerator approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.

References

40 CFR 761.75

- (c) Approval of chemical waste landfills. Prior to the disposal of any PCBs and PCB Items in a chemical waste landfill, the owner or operator of the landfill shall receive written approval of the Agency Regional Administrator for the Region in which the landfill is located. The approval shall be obtained in the following manner.
 - (1) Initial report. The owner or operator shall submit to the Regional Administrator an initial report which contains:

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- (i) The location of the landfill.
 - (ii) A detailed description of the landfill including general site plans and design drawings.
 - (iii) An engineering report describing the manner in which the landfill complies with the requirements for chemical waste landfills specified in paragraph (b) of {40 CFR 761.75}.
 - (iv) Sampling and monitoring equipment and facilities available.
 - (v) Expected waste volumes of PCBs.
 - (vi) General description of waste materials other than PCBs that are expected to be disposed of in the landfill.
 - (vii) Landfill operations plan as required in paragraph (b) of this section.
 - (viii) Any local, State, or Federal permits or approvals.
 - (ix) Any schedules or plans for complying with the approval requirements of these regulations.
- (2) Other information. In addition to the information contained in the report described in paragraph (c)(1) of this section, the Regional Administrator may require the owner or operator to submit any other information that the Regional Administrator finds to be reasonably necessary to determine whether a chemical waste landfill should be approved. Such other information shall be restricted to the types of information required in paragraphs (c)(1)(i) through (ix) of this section.
- (7) Transfer of property. Any person who owns or operates an approved chemical waste landfill must notify EPA at least 30 days before transferring ownership in the property or transferring the right to conduct the chemical waste landfill operation. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA chemical waste landfill approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new chemical waste landfill

References
40 CFR 761.75 (con't.)

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approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.

References
40 CFR 761.125

(a) General. Unless expressly limited, the reporting, disposal, and cleanup sampling requirements in paragraphs (a)(1) through (3) of this section apply to all spills of PCBs at concentrations of 50 ppm or greater which are subject to decontamination requirements under TSCA, including those spills listed under 40 CFR 761.120(b) which are excluded from the cleanup standards at paragraphs (b) and (c) of this section.

(1) Reporting requirements. The reporting in paragraphs (a)(1)(i) through (iv) of this section is required in addition to applicable reporting requirements under the Clean Water Act (CWA) or the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA). For example, under the National Contingency Plan all spills involving 10 pounds or more by weight of PCBs must currently be reported to the National Response Center (1-800-424-8802). The requirements in paragraphs (a)(1)(i) through (iv) of this section are designed to be consistent with existing reporting requirements to the extent possible so as to minimize reporting burdens on governments as well as the regulated community.

- (i) Where a spill directly contaminates surface water, sewers, or drinking water supplies, as discussed under 40 CFR 761.120(d), the responsible party shall notify the appropriate EPA regional office (the Office of Pesticides and Toxic Substances Branch) and obtain guidance for appropriate cleanup measures in the shortest possible time after discovery, but in no case later than 24 hours after discovery.
- (ii) Where a spill directly contaminates grazing lands or vegetable gardens, as discussed under 40 CFR 761.120(d), the responsible party shall notify the appropriate EPA regional office (the Office of Pesticides and Toxic Substances Branch) and proceed with the immediate requirements specified under paragraph (b) or (c) of this section, depending on the source of the spill, in the shortest possible time after discovery, but in no case later than 24 hours after discovery.
- (iii) Where a spill exceeds 10 pounds of PCBs by weight and is not addressed in paragraph (a)(1)(i) or (ii) of this section, the responsible party will notify the appropriate EPA regional office (Pesticides and Toxic Substances

Requirements for PCB Spill Cleanup

References
40 CFR 761.125 (con't.)

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- Branch) and proceed to decontaminate the spill area in accordance with this TSCA policy in the shortest possible time after discovery, but in no case later than 24 hours after discovery.
- (iv) Spills of 10 pounds or less, which are not addressed in paragraph (a)(1)(i) or (ii) of this section, must be cleaned up in accordance with this policy (in order to avoid EPA enforcement liability), but notification of EPA is not required.
- (3) Records and certification. At the completion of cleanup, the responsible party shall document the cleanup with records and certification of decontamination. The records and certification must be maintained for a period of 5 years. The records and certification shall consist of the following:
- (i) Identification of the source of the spill (e.g., type of equipment).
- (ii) Estimated or actual date and time of the spill occurrence.
- (iii) The date and time cleanup was completed or terminated (if cleanup was delayed by emergency or adverse weather: the nature and duration of the delay).
- (iv) A brief description of the spill location.
- (v) Precleanup sampling data used to establish the spill boundaries if required because of insufficient visible traces, and a brief description of the sampling methodology used to establish the spill boundaries.
- (vi) A brief description of the solid surfaces cleaned and of the double wash/rinse method used.
- (vii) Approximate depth of soil excavation and the amount of soil removed.
- (viii) A certification statement signed by the responsible party stating that the cleanup requirements have been met and that the information contained in the record is true to the best of his/her knowledge.

References
40 CFR 761.125 (con't.)

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| <p>(ix) While not required for compliance with this policy, the following information would be useful if maintained in the records:</p> <ul style="list-style-type: none"> (A) Additional pre- or post-cleanup sampling. (B) The estimated cost of the cleanup by man-hours, dollars, or both. | <p>(c) Requirements for cleanup of high-concentration spills and low-concentration spills involving 1 pound or more PCBs by weight (270 gallons or more of untested mineral oil). Cleanup of low-concentration spills involving 1 lb. or more PCBs by weight and of all spills of materials other than low-concentration materials shall be considered complete if all of the immediate requirements, cleanup standards, sampling, and recordkeeping requirements of paragraphs (c)(1) through (5) of this section are met.</p> <ul style="list-style-type: none"> (1) Immediate requirements. The four actions in paragraphs (c)(1)(i) through (iv) of this section must be taken as quickly as possible and within no more than 24 hours (or within 48 hours for PCB Transformers) after the responsible party was notified or became aware of the spill, except that actions described in paragraphs (c)(1)(ii) through (iv) of this section can be delayed beyond 24 hours if circumstances (e.g., civil emergency, hurricane, tornado, or other similar adverse weather conditions, lack of access due to physical impossibility, or emergency operating conditions) so require for the duration of the adverse conditions. The occurrence of a spill on a weekend or overtime costs are not acceptable reasons to delay response. Owners of spilled PCBs who have delayed cleanup because of these types of circumstances must keep records documenting the fact that circumstances precluded rapid response. (i) The responsible party shall notify the EPA regional office and the NRC as required by 40 CFR 761.125(a)(1) or by other applicable statutes. (ii) The responsible party shall effectively cordon off or otherwise delineate and restrict an area encompassing any visible traces plus a 3-foot buffer and place clearly visible signs advising persons to avoid the area to minimize the spread of contamination as well as the potential for human exposure. (iii) The responsible party shall record and document the area of visible contamination, noting the extent of the visible trace areas and the center of the visible trace area. If there are no visible traces, the responsible party |
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References

40 CFR 761.125 (con't.)

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- shall record this fact and contact the regional office of the EPA for guidance in completing statistical sampling of the spill area to establish spill boundaries.
- (iv) The responsible party shall initiate cleanup of all visible traces of the fluid on hard surfaces and initiate removal of all visible traces of the spill on soil and other media, such as gravel, sand, oyster shells, etc.

General Records and Reports - Records and Monitoring

References

40 CFR 761.180

- (b) (3) The owner or operator of a PCB disposal or commercial storage facility shall submit an annual report, which briefly summarizes the records and annual document log required to be maintained and prepared under paragraphs (b)(1) and (b)(2) of 40 CFR 761.180, to the Regional Administrator of the EPA region in which the facility is located by July 15 of each year, beginning with July 15, 1991. The first annual report submitted on July 15, 1991, shall be for the period starting February 5, 1990 and ending December 31, 1990. The annual report shall contain no confidential business information. The annual report shall consist of the following information:
- (i) The name, address, EPA identification number of the facility covered by the annual report for the calendar year.
- (ii) A list of the numbers of all signed manifests of PCB waste initiated or received by the facility during that year.
- (iii) The total weight in kilograms of bulk PCB waste, PCB waste in PCB Transformers, PCB waste in PCB Large High or Low Voltage Capacitors, PCB waste in PCB Article Containers, and PCB waste in PCB Containers in storage at the facility at the beginning of the calendar year, received or generated at the facility, transferred to another facility, or disposed of at the facility during the calendar year. The information must be provided for each of these categories, as appropriate.
- (iv) The total number of PCB Transformers, the total number of PCB Large High or Low Voltage Capacitors, the total number of PCB Article Containers, and the total number of PCB Containers in storage at the facility at the beginning of the calendar year, received or generated at the facility, transferred to another facility, or disposed of at the facility during the calendar year. The information must be provided for each of these categories, as appropriate.

References

40 CFR 761.180 (con't.)

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(con't.)**

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| <ul style="list-style-type: none"> (v) The total weight in kilograms of each of the following PCB categories: bulk PCB waste, PCB waste in PCB Transformers, PCB waste in PCB Large High or Low Voltage Capacitors, PCB waste in PCB Article Containers, and PCB waste in PCB Containers remaining in storage for disposal at the facility at the end of the calendar year. (vi) The total number of PCB Transformers, the total number of PCB Large High or Low Voltage Capacitors, the total number of PCB Article Containers, and the total number of PCB Containers remaining in storage for disposal at the facility at the end of the calendar year. | <p>The requirement to submit annual reports to the Regional Administrator continues until the submission of the annual report for the calendar year during which the facility ceases PCB storage or disposal operations. Storage operations have not ceased until all PCB waste, including any PCB waste generated during closure, has been removed from the facility.</p> <p>(4) Whenever a commercial storeroom of PCB waste accepts PCBs or PCB Items at his storage facility and transfers the PCB waste off-site to another facility for storage or disposal, the commercial storeroom of PCB waste shall initiate a manifest under Subpart K of 40 CFR Part 761 for the transfer of PCBs or PCB Items to the next storage or disposal facility.</p> |
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References
40 CFR 761.180 (con't.)

Note: Any requirements for weights in kilograms of PCBs may be calculated values if the internal volume of PCBs in containers and transformers is known and included in the reports, together with any assumptions on the density of the PCBs contained in the containers or transformers. If the internal volume of PCBs is not known, a best estimate may be used.

PCB Waste Disposal Records and Reports - EPA Identification Numbers

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| <p>References
40 CFR 761.202</p> | <p>(a) General. Any generator, commercial storeroom, transporter, or disposer of PCB waste who is required to have an EPA identification number under this subpart must notify EPA of his/her PCB waste handling activities, using the notification procedures and form described in 40 CFR 761.205. EPA will confirm the EPA identification number of facilities already assigned one, and will assign an EPA identification number to facilities that do not have one.</p> |
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Notification of PCB Waste Activity (EPA Form 7710-53)

References
40 CFR 761.205

Table 8

Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

- (a) (1) All commercial storers, transporters, and disposers of PCB waste who were engaged in PCB waste handling activities on or prior to February 5, 1990 shall notify EPA of their PCB waste activities by filing EPA Form 7710-53 with EPA by no later than April 4, 1990. Upon receiving the notification form, EPA will assign an EPA identification number to each entity that notifies.
 - (2) All generators (other than generators exempt from notification under paragraph (c)(1) of this section), commercial storers, transporters, and disposers of PCB waste who first engage in PCB waste handling activities after February 5, 1990, shall notify EPA of their PCB waste activities by filing EPA Form 7710-53 with EPA prior to engaging in PCB waste handling activities.
 - (3) Any person required to notify EPA under this section shall file with EPA Form 7710-53. Copies of EPA Form 7710-53 are available from the Operations Branch (TS-798), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Descriptive information and instructions for filling in the form are included in paragraphs (a)(4)(i) through (vii) of this section.
- (4) All of the following information shall be provided to EPA on Form 7710-53:
 - (i) The name of the facility, and the name of the owner or operator of the facility.
 - (ii) EPA identification number, if any, previously issued to the facility.
 - (iii) The facility's mailing address.
 - (iv) The location of the facility.
 - (v) The facility's installation contact and telephone number.
 - (vi) The type of PCB waste activity engaged in at the facility.
 - (vii) Signature of the signer of the certification statement, typed or printed name and official title of signer, and date signed.

References
40 CFR 761.205 (con't.)

Table 8

Toxic Substances Control Act

**Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions
(con't.)**

- (viii) EPA has determined that the information in paragraphs (a)(4)(i) through (a)(4)(vii) of this section shall not be treated as confidential business information. This information will be disclosed to the public without further notice to the submitter unless the submitter provides a written justification (submitted with the notification form) which demonstrates extraordinary reasons why the information should be entitled to confidential treatment.
- (b) Generators (other than those generators exempt from notification under paragraph (c)(1) of this section), commercial storers, transporters, and disposers of PCB waste who have previously notified EPA or a State of hazardous waste activities under RCRA shall notify EPA of their PCB waste activities under this part by filing EPA Form 7710-53 with EPA by no later than April 4, 1990. The notification shall include the EPA identification number previously issued by EPA or the State and upon receipt of the notification, EPA shall verify and authorize the use of the previously issued identification number for PCB waste activities.
- (c)
 - (1) Generators of PCB waste need not notify EPA and receive unique EPA identification numbers under this section, unless their PCB waste activities are described in paragraph (c)(2) of this section. Generators exempted from notifying EPA under this paragraph shall use the generic identification number "40 CFR PART 761" on the manifests, records, and reports which they shall prepare under this subparagraph, unless such generators elect to use a unique EPA identification number previously assigned to them under RCRA by EPA or a State.
 - (2) Generators of PCB waste who use, own, service, or process PCBs or PCB Items shall notify EPA of their PCB waste activities only if they own or operate PCB storage facilities subject to the storage requirements of CFR 40 761.65(b) or (c)(7). Such generators shall notify EPA in the following manner:
 - (i) Generators storing PCB waste subject to the storage requirements of CFR 40 761.65(b) or (c)(7) shall notify EPA by filing EPA Form 7710-53 with EPA by no later than April 4, 1990.
 - (ii) Generators who desire to commence storage of PCB waste after February 5, 1990 shall notify EPA and receive an EPA identification number before they may commence storage of PCBs at their facilities established under CFR 40 761.65(b) or (c)(7).
 - (iii) A separate notification shall be submitted to EPA for each PCB storage facility owned or operated by generators

References
40 CFR 761.205 (con't.)

Table 8

Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

- of PCB waste. Upon receiving these notifications, EPA will assign generators unique EPA identification numbers for each storage facility notifying EPA under this section.
- (d) Persons required to notify under this section shall file EPA Form 7710-53 with EPA by mailing the form to the following address: Chief, Operations Branch (TS-798), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Room NE-117, 401 M Street, SW, Washington, DC 20460.
- Use of the Manifest**
- (a) (1) The generator of PCB waste shall:
- (i) Sign the manifest certification by hand.
 - (ii) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest.
 - (iii) Retain one copy among its records in accordance with CFR 40 761.209(a).
 - (iv) Give to the transporter the remaining copies of the manifest that will accompany the shipment of PCB waste.
- (2) For bulk shipments of PCB waste within the United States transported solely by water, the generator shall send three copies of the manifest dated and signed in accordance with this section directly to the owner or operator of the designated commercial storage or disposal facility. Copies of the manifest are not required for each transporter.
- (3) For rail shipments of PCB waste within the United States which originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:
- (i) The next non-rail transporter, if any.
 - (ii) The designated commercial storage or disposal facility if transported solely by rail.

References
40 CFR 761.208

References
40 CFR 761.208 (con't.)

Table 8 Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

- (4) When a generator has employed an independent transporter to transport the PCB waste to a commercial storer or disposer, the generator shall confirm by telephone, or by other means of confirmation agreed to by both parties, that the commercial storer or disposer actually received the manifested waste. The generator shall confirm receipt of the waste by close of business the day after he receives the manifest hand-signed by the commercial storer or disposer, in accordance with paragraph (c)(1)(iv) of {40 CFR 761.208}. If the generator has not received the hand-signed manifest within 35 days after the independent transporter accepted the PCB waste, the generator shall telephone, or communicate with by some other agreed-upon means, the disposer or commercial storer to determine whether the PCB waste has actually been received. If the PCB waste has not been received, the generator shall contact the independent transporter to determine the disposition of the PCB waste. If the generator has not received a hand-signed manifest from an EPA-approved facility within 10 days from the date of the telephone call or other agreed upon means of communication, to the independent transporter, the generator shall submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located, as specified in 40 CFR 761.215. The generator shall retain a written record of all telephone or other confirmations to be included in the annual document log, in accordance with 40 CFR 761.180.

Unmanifested Waste Report

References
40 CFR 761.211

- (a) After April 4, 1990, if a PCB commercial storage or disposal facility receives any shipment of PCB waste from an off-site source without an accompanying manifest or shipping paper (where required in place of a manifest), and any part of the shipment consists of any PCB waste regulated for disposal, then the owner or operator of the commercial storage or disposal facility shall attempt to contact the generator, using information supplied by the transporter, to obtain a manifest or to return the PCB waste.
- (b) If the owner or operator of the commercial storage or disposal facility cannot contact the generator of the PCB waste, he shall notify the Regional Administrator of the EPA region in which his facility is located of the unmanifested PCB waste so that the Regional Administrator can determine whether further actions are required before the owner or operator may store or dispose of the unmanifested PCB waste.
- (c) Within 15 days after receiving the unmanifested PCB waste, the owner or operator shall prepare and submit a report to the Regional Administrator for the Region in which the commercial storage or disposal facility is located and to the Regional Administrator for the Region in which the PCB waste originated, if known. The report may be submitted on EPA Form 8700-13B, or by a written letter designated "Unmanifested Waste Report." The report shall include the following information:

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Toxic Substances Control Act

**Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions
(con't.)**

- (1) The EPA identification number, name, and address of the PCB commercial storage or disposal facility.
- (2) The date the commercial storage or disposal facility received the unmanifested PCB waste.
- (3) The EPA identification number, name, and address of the generator and transporter, if available.
- (4) A description of the type and quantity of the unmanifested PCB waste received at the facility.
- (5) A brief explanation of why the waste was unmanifested, if known.
- (6) The disposition made of the unmanifested waste by the commercial storage or disposal facility, including:
 - (i) If the waste was stored or disposed by that facility, was the generator identified and was a manifest subsequently supplied.
 - (ii) If the waste was sent back to the generator, why and when.

Exception Reporting

References

40 CFR 761.215

- (a) A generator of PCB waste, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated PCB commercial storage or disposal facility within 35 days of the date the waste was accepted by the initial transporter, shall immediately contact the transporter and/or the owner or operator of the designated facility to determine the status of the PCB waste.
- (b) A generator of PCB waste shall submit an Exception Report to the Regional Administrator for the Region in which the generator is located if the generator has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report shall include the following:
 - (1) A legible copy of the manifest for which the generator does not have confirmation of delivery.

References

40 CFR 761.215 (con't.)

Table 8 Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

- (2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the PCB waste and the results of those efforts.
- (c) A disposer of PCB waste shall submit a One-year Exception Report to the Regional Administrator for the Region in which the disposal facility is located whenever the following occurs:
 - (1) The disposal facility receives PCBs or PCB Items on a date more than 9 months from the date the PCBs or PCB Items were removed from service for disposal, as indicated on the manifest or continuation sheet.
 - (2) Because of contractual commitments or other factors affecting the facility's disposal capacity, the disposer of PCB waste could not dispose of the affected PCBs or PCB Items within 1 year of the date of removal from service for disposal.
- (d) A generator or commercial storer of PCB waste who manifests PCBs or PCB Items to a disposer of PCB waste shall submit a One-year Exception Report to the Regional Administrator for the Region in which the generator or commercial storer is located whenever the following occurs:
 - (1) The generator or commercial storer transferred the PCBs or PCB Items to the disposer of PCB waste on a date within 9 months from the date of removal from service for disposal of the affected PCBs or PCB Items, as indicated on the manifest or continuation sheet; and
 - (2) The generator or commercial storer either has not received within 13 months from the date of removal from service for disposal a Certificate of Disposal confirming the disposal of the affected PCBs or PCB Items, or the generator or commercial storer receives a Certificate of Disposal confirming disposal of the affected PCBs or PCB Items on a date more than 1 year after the date of removal from service.
- (e) The One-year Exception Report shall include:
 - (1) A legible copy of any manifest or other written communication relevant to the transfer and disposal of the affected PCBs or PCB Items.
 - (2) A cover letter signed by the submitter or an authorized representative explaining:

References
40 CFR 761.215 (con't.)

Table 8

Toxic Substances Control Act

Part 1. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions (con't.)

- (i) The date(s) when the PCBs or PCB Items were removed from service for disposal.
- (ii) The date(s) when the PCBs or PCB Items were received by the submitter of the report, if applicable.
- (iii) The date(s) when the affected PCBs or PCB Items were transferred to a designated disposal facility.
- (iv) The identity of the transporters, commercial storers, or disposers known to be involved with the transaction.
- (v) The reason, if known, for the delay in bringing about the disposal of the affected PCBs or PCB Items within 1 year from the date of removal from service for disposal.

